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UNITED STATES DISTRICT COURT FOR THE
 CENTRAL DISTRICT OF CALIFORNIA
 (Western Division-Los Angeles)

KEVIN SO,

Plaintiff,

v.

LAND BASE, LLC, et al.

Defendants.

CASE NO. CV 08-3336 DDP (AGR_x)

DECLARATION OF AARON W.
 KNIGHTS IN SUPPORT OF
 PLAINTIFF'S OPPOSITION TO
 DEFENDANTS KEVIN KONDAS,
 MIRA MELTZER, KM & ASSOCIATES
 INTERNATIONAL, LLC, KB&M
 PROJECTS INTERNATIONAL, LLC
 AND CTL PROJECTS
 INTERNATIONAL, LLC'S MOTION
 FOR SUMMARY JUDGMENT

Date: June 28, 2010

Time: 10:00 a.m.

Location: Courtroom 3

1 Aaron W. Knights, pursuant to 28 U.S.C. § 1746 and C.D. Cal. L.R. 7-7, states the
2 following:
3

- 4 1. I am an attorney with the law firm of Kalbian Hagerty, LLP, attorneys for Plaintiff
5 Kevin So in the above-captioned matter. My business address is 888 17th Street,
6 N.W., Suite 1000, Washington, DC 20006. I submit this Declaration in support of
7 Plaintiff's Memorandum of Points and Authorities in Opposition to Defendants
8 Kevin Kondas, Mira Meltzer, KM & Associates International, LLC, KB&M
9 Projects International, LLC and CTL Projects International, LLC's Motion for
10 Summary Judgment.
- 11 2. Attached hereto as **Exhibit 1** are true and correct copies of pages 191 and 192 of
12 the Deposition Charles W. Woodhead, dated October 7, 2008 ("Woodhead Dep.").
- 13 3. Attached hereto as **Exhibit 2** are true and correct copies of pages 9, 10, 13, 15, 23,
14 32, 34, 35, 38, 71-73, 158, 159, 172, 252-256, and 275 of the Deposition of Kevin
15 So ("So Dep."), dated March 11 and 12, 2010.
- 16 4. Attached hereto as **Exhibit 3** is a true and correct copy of the Memorandum of
17 Decision of the Hon. James Robertson in *Kevin So v. Leonard J. Suchanek*, Civil
18 Action No. 08-2091 (JR) (D.D.C.), dated May 6, 2010 ("Robertson Order").
- 19 5. Attached hereto as **Exhibit 4** is a true and correct copy of the Declaration of Daniel
20 W. Ray dated May 27, 2010, by which Mr. Ray authenticates the Expert Report of
21 Daniel W. Ray dated April 5, 2010 updated on April 6, 2010, a true and correct
22 copy of which is attached thereto.
- 23 6. Attached hereto as **Exhibit 5** is a true and correct copy of (A) the Declaration of
24 Janet Tan dated June 1, 2010, (B) the *curriculum vitae* of Janet Tan, (C) the
25 Declaration of Kevin So, dated June 1, 2010, in Chinese, and (D) a certified
26

1 translation of the Declaration of Kevin So, dated June 1, 2010, from Chinese to
2 English (collectively, "So Decl.").

3 7. Attached hereto as **Exhibit 6** is a true and correct copy of an E-mail dated April 1,
4 2005 from Keith Millar to Lucy Lu. **Exhibit 6** is authenticated by Birui Wang in
5 her Declaration dated June 1, 2010 at Paragraph 10, a true and correct copy of
6 which is attached hereto as Exhibit 8.

7 8. Attached hereto as **Exhibit 7** is a true and correct copy of a "Resolution and
8 Authorization of Signatory" dated February 21, 2005. **Exhibit 7** is authenticated by
9 Kevin So in his Declaration dated June 1, 2010 at Paragraph 3, a true and correct
10 copy of which is attached hereto as Exhibit 5.

11 9. Attached hereto as **Exhibit 8** is a true and correct copy of the Declaration of Birui
12 Wang dated June 1, 2010.

13 10. Attached hereto as **Exhibit 9** are true and correct copies of pages 47, 48, 49, 52, 76,
14 80, 81, 84, 89, 90, 108, 109, 189, 214 and 215 of the Deposition of Kevin R.
15 Kondas on behalf of KM & Associates International, LLC, KB&M Projects
16 International, LLC and CTL Projects International, LLC taken on March 18 and 19,
17 2010. *True and correct copies of pages 149, 150, 220, 225, 226 and 287 of this*
18 *Exhibit have been filed under seal pursuant to the Order of Magistrate Judge Alicia*
19 *G. Rosenberg dated May 26, 2009. (See Dkt. No. 164.)*

20 11. Attached hereto as **Exhibit 10** is a true and correct copy of an E-mail dated
21 February 11, 2005 from Keith Millar to Lucy Lu. **Exhibit 10** is authenticated by
22 Birui Wang in her Declaration dated June 1, 2010 at Paragraph 10, a true and
23 correct copy of which is attached hereto as Exhibit 8.

24 12. Attached hereto as **Exhibit 11** is a true and correct copy of an E-mail dated March
25 17, 2005 from Keith Millar to Lucy Lu, which was then forwarded from Mr. Millar
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1 to Ms. Lu on March 18, 2005. **Exhibit 11** is authenticated by Birui Wang in her
2 Declaration dated June 1, 2010 at Paragraph 10, a true and correct copy of which is
3 attached hereto as Exhibit 8.

4 13. Attached hereto as **Exhibit 12** is a true and correct copy of an E-mail dated
5 February 18, 2005 from Keith Millar to Lucy Lu and an E-mail dated February 15,
6 2005 from Lucy Lu to Keith Millar. **Exhibit 12** is authenticated by Birui Wang in
7 her Declaration dated June 1, 2010 at Paragraph 10, a true and correct copy of
8 which is attached hereto as Exhibit 8.

9 14. Attached hereto as **Exhibit 13** is a true and correct copy of an E-mail dated
10 February 20, 2005 from Keith Millar to Lucy Lu, which was then forwarded from
11 Mr. Millar to Ms. Lu again on that same date, and an E-mail dated February 19,
12 2005 from Lucy Lu to Keith Millar. **Exhibit 13** is authenticated by Birui Wang in
13 her Declaration dated June 1, 2010 at Paragraph 10, a true and correct copy of
14 which is attached hereto as Exhibit 8.

15 15. Attached hereto as **Exhibit 14** is a true and correct copy of an E-mail dated
16 February 18, 2005 from Keith Millar to Lucy Lu. **Exhibit 14** is authenticated by
17 Birui Wang in her Declaration dated June 1, 2010 at Paragraph 10, a true and
18 correct copy of which is attached hereto as Exhibit 8.

19 16. Attached hereto as **Exhibit 15** is a true and correct copy of the Irrevocable Project
20 Funding Agreement ("IPFA") authenticated by Defendant Kevin Kondas at
21 deposition on behalf of KM & Associates International, Inc., KB&M Projects
22 International, LLC and CTL Projects International, LLC on March 18, 2010. Mr.
23 Kondas authenticates the IPFA at 80:21-81:22.

24 17. Attached hereto as **Exhibit 16** are true and correct copies of Bank Records
25 produced to counsel for Plaintiff pursuant to a duly issued subpoena by SunTrust
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1 Bank on July 23, 2009. **Exhibit 16** is comprised of true and correct copies of (a)
2 the Affidavit of SunTrust Custodian of Records, Miriam J. Perez, attesting that she
3 served records in her possession pursuant to a Subpoena, identified by SUNTRUST
4 00248; (b) Transaction Detail Reports identified by SUNTRUST 00358,
5 SUNTRUST 00364, and SUNTRUST 00373; (c) Check Number 2543 identified by
6 SUNTRUST 00453; and (d) a New Account Deposit identified by SUNTRUST
7 00458. ***Exhibit 16** has been filed under seal pursuant to the Order of Magistrate*
8 *Judge Alicia G. Rosenberg dated May 26, 2009. (See Dkt. No. 164.)*

9 18. Attached hereto as **Exhibit 17** is a true and correct copy of a document titled
10 “Private Enterprise Assets Exchange Benefits Participation Agreement” (“Land
11 Base Agreement”). **Exhibit 17** is authenticated by Kevin So in his Declaration
12 dated June 1, 2010 at Paragraph 7, a true and correct copy of which is attached
13 hereto as Exhibit 5.

14 19. Attached hereto as **Exhibit 18** is a true and correct copy of HSBC “Electronic
15 Payment Details” of the Wire Transfer of \$30 million dated April 20, 2005.

16 20. Attached hereto as **Exhibit 19** are true and correct copies of Bank Records
17 produced to counsel for Plaintiff pursuant to duly issued subpoenas by SunTrust
18 Bank on July 23, 2009 and Union Bank on November 25, 2008. **Exhibit 19** is
19 comprised of (a) Declaration of Susan D. Griggs, Custodian of Records of Union
20 Bank identified by UNION BANK 000001-000002, certifying that Union Bank
21 produced true and correct copies of its records pursuant to the Subpoena issued; (b)
22 Check Number 1199 identified by UNION BANK-002131; (c) Affidavit of
23 SunTrust Custodian of Records, Miriam J. Perez, attesting that she served records
24 in her possession pursuant to a Subpoena, identified by SUNTRUST 00248; and (d)
25 Transaction Detail Report identified by SUNTRUST 00354. ***Exhibit 19** has been*
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1 *filed under seal pursuant to the Order of Magistrate Judge Alicia G. Rosenberg*
2 *dated May 26, 2009. (See Dkt. No. 164.)*

3 21. Attached hereto as **Exhibit 20** are true, correct and certified copies of portions of
4 the transcript of testimony of Mira Meltzer at the trial of *Kevin So v. Leonard J.*
5 *Suchanek*, Civil Action No. 08-2091 (JR) (D.D.C.), which is comprised of (a)
6 transcript pages 68, 69, 76, 91, 93- 96 from Ms. Meltzer's testimony on December
7 9, 2009 in the morning session; and (b) transcript page 67 from Ms. Meltzer's
8 testimony on December 10, 2009 in the morning session.

9 22. Attached hereto as **Exhibit 21** are true and correct copies of pages 68, 165-167,
10 177, 178, and 180-191 of the Deposition of Mira Meltzer ("Meltzer Dep.") taken on
11 March 16, 2010.

12 23. Attached hereto as **Exhibit 22** are true, correct and certified copies of portions of
13 the transcript of testimony of Leonard Suchanek at the trial of *Kevin So v. Leonard*
14 *J. Suchanek*, Civil Action No. 08-2091 (JR) (D.D.C.), which is comprised of (a)
15 transcript pages 66 from Mr. Suchanek's testimony on December 8, 2009 in the
16 morning session; and (b) transcript pages 14, 16 and 70-72 from Mr. Suchanek's
17 testimony on December 16, 2009 in the afternoon session.

18 24. Attached hereto as **Exhibit 23** is a true and correct copy of an e-mail dated
19 September 20, 2007 from Antony Brown to Mira Meltzer. This e-mail was
20 admitted into evidence as Plaintiff Kevin So's Exhibit 383 at the trial of *Kevin So v.*
21 *Leonard J. Suchanek*, Civil Action No. 08-2091 (JR) (D.D.C.), pursuant to
22 Stipulation, a true and correct copy of which is attached hereto as **Exhibit 36**.

23 25. Attached hereto as **Exhibit 24** is a true and correct copy of an e-mail chain
24 containing e-mails dated October 21, 22 and November 1, 2007 between Antony
25 Brown and Leonard Suchanek. These e-mails were admitted into evidence as
26

1 Plaintiff Kevin So's Exhibit 213 at the trial of *Kevin So v. Leonard J. Suchanek*,
2 Civil Action No. 08-2091 (JR) (D.D.C.), pursuant to Stipulation, a true and correct
3 copy of which is attached hereto as **Exhibit 36**.

4 26. Attached hereto as **Exhibit 25** is a true and correct copy of an e-mail dated
5 September 5, 2007 from Mira Meltzer to Kevin So. **Exhibit 25** is authenticated by
6 Kevin So in his Declaration dated June 1, 2010 at Paragraph 15. A true and correct
7 copy of Mr. So's Declaration is attached hereto as **Exhibit 5**. Exhibit 25 was also
8 admitted into evidence as Plaintiff Kevin So's Exhibit 125 at the trial of *Kevin So v.*
9 *Leonard J. Suchanek*, Civil Action No. 08-2091 (JR) (D.D.C.), pursuant to
10 Stipulation, a true and correct copy of which is attached hereto as **Exhibit 36**.

11 27. Attached hereto as **Exhibit 26** is a true and correct copy is a true and correct copy
12 of an e-mail dated September 12, 2007 from Leonard Suchanek to Kevin So.
13 **Exhibit 26** is authenticated by Kevin So in his Declaration dated June 1, 2010 at
14 Paragraph 15. A true and correct copy of Mr. So's Declaration is attached hereto as
15 **Exhibit 5**. Exhibit 26 was also admitted into evidence as Plaintiff Kevin So's
16 Exhibit 130 at the trial of *Kevin So v. Leonard J. Suchanek*, Civil Action No. 08-
17 2091 (JR) (D.D.C.), pursuant to Stipulation, a true and correct copy of which is
18 attached hereto as **Exhibit 36**.

19 28. Attached hereto as **Exhibit 27** are true and correct copies of Bank Records
20 produced to counsel for Plaintiff pursuant to a duly issued subpoena by Union Bank
21 on November 28, 2008. **Exhibit 27** is comprised of (a) Declaration of Susan D.
22 Griggs, Custodian of Records of Union Bank identified by UNION BANK 000001-
23 000002, certifying that Union Bank produced true and correct copies of its records
24 pursuant to the Subpoena issued; (b) Land Base Incoming Wires dated April 26,
25 2005, identified by UNION BANK-002089; (c) Land Base Incoming Wires dated
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May 12, 2005, identified by UNION BANK-002098; (d) Land Base Incoming Wires dated June 27, 2005, identified by UNION BANK-002117; (e) Land Base Incoming Wires dated July 12, 2005, identified by UNION BANK-002121; and (f) Land Base Incoming Wires dated August 16, 2005, identified by UNION BANK-002132.

29. Attached hereto as **Exhibit 28** is a true and correct copy are true and correct copies of Bank Records produced to counsel for Plaintiff pursuant to a duly issued subpoena by Union Bank on November 28, 2008. **Exhibit 28** is comprised of (a) Declaration of Susan D. Griggs, Custodian of Records of Union Bank identified by UNION BANK 000001-000002, certifying that Union Bank produced true and correct copies of its records pursuant to the Subpoena issued; (b) Land Base Outgoing Wire Transfer Debit dated April 27, 2005, and identified by UNION BANK-002090; (c) Land Base Outgoing Wire Transfer Debit dated May 16, 2005, and identified by UNION BANK-002099; and (d) Land Base Outgoing Wire Transfer Debit dated June 29, 2005, and identified by UNION BANK-002118.

30. Attached hereto as **Exhibit 29** is a true and correct copy true and correct copy of the Declaration of Gordon L. Klein dated May 27, 2010, by which Mr. Klein authenticates the Expert Report of Gordon L. Klein dated April 8, 2010 and the Supplemental Expert Report of Gordon L. Klein dated April 30, 2010, true and correct copies of both are attached thereto as 29A and 29B, respectively.

31. Attached hereto as **Exhibit 30** is a true and correct copy of the Opinion Issued by The Honorable Leonard J. Suchanek Chief Judge Emeritus dated August 8, 2006. **Exhibit 30** admitted into evidence as Plaintiff Kevin So's Exhibit 27 at the trial of *Kevin So v. Leonard J. Suchanek*, Civil Action No. 08-2091 (JR) (D.D.C.), pursuant to Stipulation, a true and correct copy of which is attached hereto as Exhibit 36.

- 1 32. Attached hereto as **Exhibit 31** is a true and correct copy of a letter from Leonard
2 Suchanek to Kevin So dated August 30, 2007. **Exhibit 31** is authenticated by
3 Kevin So in his Declaration dated June 1, 2010 at Paragraph 13, a true and correct
4 copy of which is attached hereto as Exhibit 5. **Exhibit 31** was also admitted into
5 evidence as Plaintiff Kevin So's Exhibit 116 at the trial of *Kevin So v. Leonard J.*
6 *Suchanek*, Civil Action No. 08-2091 (JR) (D.D.C.), pursuant to Stipulation, a true
7 and correct copy of which is attached hereto as Exhibit 36.
- 8 33. Attached hereto as **Exhibit 32** is a true and correct copy of a document forged by
9 Lucy Lu titled "Affidavit of Representation and Authorization of Signatory" dated
10 March 31, 2005. **Exhibit 32** is identified by Kevin So in his Declaration dated June
11 1, 2010 at Paragraph 5 as a document forged by Lucy Lu. A true and correct copy
12 of Mr. So's Declaration is attached hereto as Exhibit 5.
- 13 34. Attached hereto as **Exhibit 33** are true, correct and certified copies the corporate
14 records of KB&M Projects International, LLC, KM & Associates International,
15 LLC, CTL Projects International, LLC, KTEC & Associates LLC, and Sandpiper
16 Enterprises, Inc.
- 17 35. Attached hereto as **Exhibit 34** is a true and correct copy of the Approved Judgment
18 of the Supreme Court of Judicature Court of Appeal, dated April 3, 2009, in *So v.*
19 *HSBC, et al.*, Case No. 2008/0563, entered on April 3, 2009.
- 20 36. Attached hereto as **Exhibit 35** are true and correct copies of (a) an e-mail chain
21 consisting of two e-mails dated April 1 and 2, 2005 from Keith Millar to Lucy Lu;
22 and (b) an e-mail dated April 5, 2005 from Keith Millar to Lucy Lu. The e-mails
23 contained in **Exhibit 35** are authenticated by Birui Wang in her Declaration dated
24 June 1, 2010 at Paragraph 10, a true and correct copy of which is attached hereto as
25 Exhibit 8.

1 37. Attached hereto as **Exhibit 36** is a true and correct copy of the Stipulation to the
2 authenticity and admission of various exhibits entered into between counsel for
3 Kevin So and counsel for Leonard Suchanek at the trial *Kevin So v. Leonard J.*
4 *Suchanek*, Civil Action No. 08-2091 (JR) (D.D.C.).

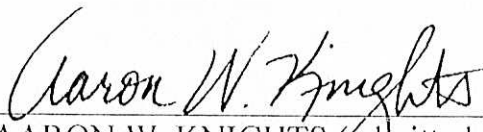
5 38. **Exhibit 37** was removed from Plaintiff's Opposition Brief.

6 39. Attached hereto as **Exhibit 38** is a true and correct copy of a document titled
7 "Irrevocable Bank Instruction" dated April 11, 2005. **Exhibit 38** is authenticated
8 by Kevin So in his Declaration dated June 1, 2010 at Paragraph 7, a true and correct
9 copy of which is attached hereto as Exhibit 5.

10 I declare under penalty of perjury that the foregoing is true and correct.

11
12 Dated: June 1, 2010

KALBIAN HAGERTY, LLP

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14 
15 AARON W. KNIGHTS (admitted pro hac vice)
16 Counsel for Plaintiff Kevin So
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